

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CANA FOUNDATION, a non-profit
corporation, LAURA LEIGH, individually,
and WILD HORSE EDUCATION, a
nonprofit corporation,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
THE INTERIOR, BUREAU OF LAND
MANAGEMENT, and JON RABY, Nevada
State Director of the Bureau of Land
Management,

Defendants.

Case No. 2:22-cv-01200-CDS-BNW

**MOTION TO SET BRIEFING
SCHEDULE ON PLAINTIFFS’
REQUEST FOR TEMPORARY
RESTRAINING ORDER**

Plaintiffs CANA Foundation, Laura Leigh, and Wild Horse Education (collectively, “Plaintiffs”) have filed a request for a temporary restraining order. ECF No. 10 (“TRO Motion”).¹ In their TRO Motion, Plaintiffs request that the Court enjoin the Bureau of Land Management (“BLM”) and Jon Raby, in his official capacity as the State Director for BLM in Nevada (collectively, “Federal Defendants”), from completing a crucial gather of wild horses and burros being conducted under the Wild Free-Roaming Horses and Burros Act, 16 U.S.C. §§ 1331-1340, until Federal Defendants cease certain alleged violations of the First Amendment by “giv[ing] Plaintiffs unobstructed access to the BLM’s activities, including the [horse and burro] temporary holding corrals.” TRO Motion at 4. Plaintiffs filed their TRO Motion two days after the gather began on August 1, 2022, and before Federal Defendants had been served with the

¹ While it is styled as such, it is unclear whether Plaintiffs’ TRO Motion additionally seeks a preliminary injunction. *See* Plaintiffs’ Proposed Order, ECF No. 10-3 (seeking only a TRO); *see also* LR IC 2-2(b) (“For each type of relief requested or purpose of the document, a separate document must be filed and a separate event must be selected for that document.”).

1 Complaint (as of the time of this filing, service on Federal Defendants has still not been
2 perfected).²

3 In order to allow Federal Defendants a sufficient opportunity to respond to Plaintiff's
4 request for the extraordinary remedy of a TRO, and in the interest of enabling the Court to make
5 as an informed decision as possible, Federal Defendants respectfully request that the Court enter
6 the following briefing and hearing schedule:
7

- 8
- 9 • Federal Defendants shall file their response to Plaintiffs' TRO Motion on **Monday, August 8, 2022.**
 - 10 • If the Court deems that a TRO hearing is necessary after review of the parties' papers,
11 a hearing will be held as soon as practical for the Court, but no earlier than **August 10, 2022.**
12

13 To the extent that it is possible and not a burden for the Court, given the short notice and
14 the location of Federal Defendants' counsel in Washington, D.C., Federal Defendants
15 respectfully request that any hearing scheduled on Plaintiffs' TRO Motion be held as virtual
16 hearing in the interest of ensuring the ability for Federal Defendants' counsel to attend.
17

18 Dated: August 4, 2022

19 Respectfully Submitted,

20 TODD KIM, Assistant Attorney General
21 S. JAY GOVINDAN, Acting Chief
22 BRIDGET KENNEDY McNEIL, Assistant Chief

23 /s/ Michelle M. Spatz
24 Michelle M. Spatz, Trial Attorney
25 D.C. Bar No. 1044400
26 United States Department of Justice

27 ² In a schedule published seven months ago, on January 4, 2022, BLM publicly announced its
28 anticipated start-date of August 1 and end-date of August 30 for the Blue Wing Complex gather
at issue. See <https://wildhorseeducation.org/wp-content/uploads/2022/01/FY2022-Proposed-Wild-Horse-and-Burro-Gather-and-Fertility-Control-Schedule.pdf>.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 4, 2022, I filed the foregoing Motion to Set Briefing Schedule on Plaintiffs' Request for Temporary Restraining Order electronically through the CM/ECF system, which caused all parties or counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Michelle M. Spatz
Michelle M. Spatz
U.S. Department of Justice